

HAMPTON PLANNING BOARD – MINUTES

AMENDED

September 15, 2004

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Gillick
Tom Higgins
Keith Lessard
Jim Workman, Selectman Member
* Bill Bilodeau, Alternate
Fran McMahon, Alternate
Jennifer Kimball, Town Planner

Mr. Viviano called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Viviano then asked Mr. Gillick to lead the Pledge of Allegiance.

I. CONTINUED PUBLIC HEARINGS:

1. J.R. Russo Corp.
Impact Fee Waiver Request for 5-Unit Multifamily Structure (fees total \$9,490.00) at
7 F Street
Map 287, Lot 40
Owner of Record: Same as above

Mr. Viviano read a memo from Jennifer Kimball dated September 10, 2004 stating Town Attorney Gearreald was not able to provide the necessary legal information pertaining to Mr. Russo's Impact Fee Waiver Request because of emergency obligations he had to address, which requires this application to be continued. Mr. Gillick **MOTIONED** to continue the J.R. Russo, Corp. Impact Fee Waiver Request Application, agreed by the applicant, to the October 6, 2004 meeting. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

2. Edward L. Keohane
Impact Fee Waiver Request for Single Family Structure (fees total \$3,641.00) at
26A Seaview Avenue
Map 133, Lot 33
Owner of record: Same as above

Mr. Viviano read a memo from Mrs. Kimball noting that due to errors in abutter notification, the application will need to be re-notified and postponed. Ms. Keohane has requested the November Board meeting. Mr. Lessard **MOTIONED** to postpone the Edward L. Keohane Impact Fee Waiver Request Application to the November 3, 2004 Planning Board meeting. Additionally, the Board noted appropriate abutter notification would be resent for this hearing. Mr. Gillick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Higgins steps down for this application.

* Bill Bilodeau joins the Board at this time.

2. Donald Bibeau
Special Permit to construct duplex, driveway, & associated grading & filling work within the
Wetlands Conservation District at
10 Patricia Street
Map 262, Lot 2
Owner of Record: Bruce Montville

Attorney Robert Casassa of Casassa & Ryan introduced himself. Mr. Donald Bibeau was also introduced. Mrs. Kimball noted to the Board the current plans submitted are stamped received by the Planning Office dated September 14, 2004. Attorney Casassa proceeded to explain the application being a continuation from the July hearing and the revised set of the plans addresses the Boards previous concerns where the proposed structure is further away from the wetland buffer by 4 - 7 feet. Attorney Casassa noted the State of New Hampshire Department of Environmental Services letter from Frank Richardson dated September 13, 2004 does not oppose this project; also, there is a paved (with gravel) parking area located 18 – 20 ft. away from the wetland edge. Mrs. Kimball noted a memo received from the Conservation Commission dated August 2, 2004 and their comments are based on the previous site plan. Mrs. Kimball also noted the two memos received from DPW: one dated August 30, 2004 and a revised memo dated September 3, 2004, which recommends “the property should be accessible from Patricia Street only”, and they are opposed to the proposed cul-de-sac. Mrs. Kimball continued, noting a memo from Mr. Bibeau dated September 13, 2004 states he is not proposing to construct a cul-de-sac at the end of Francine Street. Attorney Casassa noted a meeting that took place on Friday, September 3, 2004 at the property with the applicant, the Conservation Commission, and Mr. Richardson of the NH-DES where the current plans being viewed tonight were discussed at that time. There was Board discussion regarding the additional, necessary review and comment by the Conservation Commission and Department of Public Works. There was Board discussion regarding the circle drawn on the plan and Mrs. Kimball noted it was Town owned land and not a cul-de-sac that it was being mistaken for. Mr. Bibeau stated he is proposing a crushed stone driveway.

OPEN PUBLIC HEARING:

Mr. Richard Perkins of 106 Glade Path introduced himself. Mr. Perkins stated he was representing himself and other abutters from a signed petition. He stated there are no objections to development on this property. The objections are a duplex, 2-family, stacked would be too dense for this lot. Other concerns stated were a secondary driveway and safety concerns because of increased traffic.

Mrs. Kimball clarified that the proposal is an allowed use and the Board hearing is to address the impact to the Wetland only and the driveway issues are strictly under the control of the Department of Public works.

Mr. Bruce Montville, Property Owner introduced himself. Mr. Montville noted the NH-DES memo dated September 13, 2004 was not opposed to the project or the two driveways.

SUSPEND PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. There was Board discussion regarding the previous plan impacts to the Wetland buffer versus the current plans the Board was reviewing. Attorney Casassa stated it would be a sizable amount less with Wetland impact. There was Board discussion regarding the need for additional review and comment of the current plans to be able to make an informed determination. Mr. Viviano clarified there were new plans submitted for the Board to review.

Mrs. Kimball stated this is a substantially different plan where the house has been moved and the driveways have been changed, and the Board should see the changes, also to give the public a chance to speak on the changes. Mr. Gillick **MOTIONED** to continue the referenced Special Permit Application to the October 20, 2004 Planning Board meeting subject to: Review and comment from Department of Public Works and Conservation Commission. Mr. Emerick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

* Bill Bilodeau steps down.
Mr. Higgins returns.

3. Hampton River Marina, LLC (Phase III)
Site Plan Review to construct 44 Townhouse Condominiums in 2 buildings with associated road & utility work (existing Marina to stay in operation) at
55 Harbor Road
Map 295, Lot 1
Waiver Request: Site Plan Regulations Section VII.D.2 & 5 (increase in stormwater)
Owner of Record: Same as above
4. Hampton River Marina, LLC (Phase III)
Special Permit to work within the Wetlands Conservation District for work associated with Site Plan Review at
55 Harbor Road
Map 295, Lot 1
Owner of Record: Same as above

Attorney Peter Saari of Casassa & Ryan introduces himself. Mr. Joe Coronati of Jones & Beach Engineers, Inc. was also introduced. Mrs. Kimball briefed the Board on previous concerns and the changes on the current plans, stating the traffic study was not completed. She noted the DPW comments noted on a memo dated September 10, 2004, and the Fire Department comments in a memo dated September 7, 2004 stating there is a need for 2 access points in/out of the site. Mr. Emerick expressed concerns for the plans to be revised to address the Fire Department concerns. Mr. Coronati stated the traffic study would be done in the next couple of weeks. Mr. Higgins expressed concerns for the parking of the large boat sling area and asked if the owner of this privately held marina is the same owner of the privately held, common area in the Golden Corridor Phase II. Attorney Saari stated the owners are not the same. Mrs. Kimball noted the lift area should be striped. Mr. Coronati stated that machine will stay in its place at all times. Mr. Coronati stated the applicant agrees to no boat trailers allowed on the site as there is no boat launch ramp, all boats are lifted and placed into the water at this site. There was Board discussion regarding the swing of the boatlift in the immediate area of the vehicle parking spaces. Attorney Saari suggested an on site demonstration of the lift while cars are parked in the area. Other Board discussion consisted of: snow storage behind boat racks; enclosed, portable trash receptacles will all go into "marina dumpster" at north end; no trailers to be kept onsite; no sections of floating piers will be removed for winter storage; no overhead lighting installed on piers.

OPEN PUBLIC HEARING:

Mr. Viviano read a letter for the record dated September 14, 2004 from Ms. Mary Barnoth of 20B Duston Avenue, which states her objections for the location of the trash container next to her home.

CONTINUE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Workman **MOTIONED** to continue the Hampton River Marina, LLC Site Plan and Special Permit Applications to the October 20, 2004 Planning Board meeting subject to:

- 1) Submittal of revised plans to show outstanding items from Jennifer Kimball's memo dated August 25, 2004. Additionally, revised plans to add, change, or note: 2nd means of ingress/egress; access to Map 295, Lot 52 & 53; relocated dumpster at southern end of site; boat rack details; ground stripe area where boat sling lift will be stored; lighting details; sewer/water lines to recreation area/maintenance building/office,
- 1) Submittal of elevations and building plans (for all structures),
- 2) Continued dialogue with Department of Public Works & Fire Department,
- 3) Provide copies of the State permits for existing docks,
- 4) Continued dialogue with Ambit Engineering, and,
- 5) Submittal of an independent traffic study.

Additionally, the Board agreed that once the traffic study has been submitted it will be forwarded to an independent review engineer for review and comment. Mr. Sakurai **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Also, Board consensus was to accept the applicant's invitation for a site walk to demonstrate the marina operations on Saturday, October 2, 2004 at 9:00 a.m. **NEW PUBLIC HEARINGS:**

1. Thomas J. & Karen M. Scanlon
2-Lot Subdivision at
1 Great Gate Drive
Map 96, Lot 2D-1
Waiver Requested: Subdivision Regulations Section V.E.7 (storm drainage control plan)
Owner of record: Karen M. Scanlon

Mr. Thomas Scanlon introduced himself. He explained his application: to take one lot and subdivide it into two lots; one lot to have a frontage of 116 ft. and the second to have 147 ft. frontage; pointing out the wetlands and setbacks have been noted on the plans; the existing house has a portion to be removed due to a new lot line. Mrs. Kimball noted: if the pieces of the structure, as shown, are eliminated the lots will conform with the Zoning requirements; she continued by referring to her memo dated August 30, 2004 and noted to the Board the upland is outside of the Wetland Conservation District. Also, Mrs. Kimball noted the waiver from submittal of the storm drainage plan has been requested.

Mr. Scanlon addressed Board concerns regarding any disturbances to the buffer and the current plans do not have any issues with that; he stated, possibly in future years to build another structure on the additional lot. There was Board discussion regarding confusion with the words "proposed dwelling" because there is no proposed dwelling associated with this application. There was Board discussion regarding proposed sewer versus existing septic on the property.

OPEN PUBLIC HEARING: NO COMMENT – CLOSE PUBLIC HEARING.

Mr. Gillick **MOTIONED** to grant the Waiver Requested: Subdivision Regulations Section V.E.7 (storm drainage control plan). Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Emerick **MOTIONED** to accept jurisdiction of and approve the Thomas J. & Karen M. Scanlon 2-Lot Subdivision Application of plan #P04549, revision dated 8/12/04 subject to:

- 1) Stipulations as noted in Jennifer Kimball's memo dated August 30, 2004 (enclosed), specifically items #2, 3, 4, 5 (wetland edge only – on both lots) and, 7, 8, & 9,
- 2) Reword sheet 2 from “proposed dwelling” to “possible building location”,
- 3) Show existing septic system location, and,
- 4) Lot 1A shall tie into Town sewer prior to final approval.

Mr. Lessard **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD:

1. Gino Carestia
Use Change from Computer Sales to Auto Repair at
9 Ann's Lane
Map 126, Lot 16
Owner of record: Thomas Moulton

Mr. Carestia introduced himself. He stated, as previously requested by the Board, he has provided an outline of the parking lot intentions for his business. The Board briefly discussed his outline of 21 spaces in back and 4 parking spaces in front. There were no additional concerns stated by the Board. Mr. Gillick **MOTIONED** to approve the Gino Carestia Use Change Application from Computer Sales to Auto Repair at 9 Ann's Lane, Map 126, Lot 16. There was Board discussion regarding Mr. Higgins concern to consider no major repairs to be done outside. Mr. Viviano asked Mr. Higgins if he required this to be a condition of approval. Mr. Workman **MOTIONED** to move the question. There was considerable Board discussion regarding MOTION of the necessity for no major repairs to be done outside. Mr. Workman **WITHDREW** his motion. Mr. Gillick **MOTIONED** to approve the Gino Carestia Use Change Application from Computer Sales to Auto Repair at 9 Ann's Lane, Map 126, Lot 16 subject to:

- 1) No salvage vehicles are allowed to be parked outside the structure.

Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Additionally, the Board thanked Mr. Carestia for providing the additional information requested and wished the best of luck with his business.

2. Fred Ayotte
Preliminary Consultation to discuss multifamily condominium proposal at
465 Ocean Boulevard
Map 266, Lot 031
Owner of record: Same as above

Mr. Ayotte introduced himself. He proceeded to present preliminary ideas to remove the existing structures and construct a 4-story/3-Unit condominium with parking on the ground floor. Mr. Ayotte provided some photographs of the existing property for the Board's review. The Board feed back consisted of: difficulties with the setbacks because of the lot lines; parking/turning radius considerations; parking ingress & egress and recommending interaction with the Fire Prevention Office with specific detail to the aisle width.

Additionally, the Board recommended special attention be given to Zoning Ordinances (particularly the multi-family and parking regulations), as well as, review of the Hampton Beach Area Master Plan with respect to future neighborhood design. Mr. Ayotte was commended for attempting to improve a difficult piece of property and all Board Members were pleased to hear his proposal to further enhance the property.

IV. CONSIDERATION OF MINUTES – AUGUST 18, 2004 & SEPTEMBER 1, 2004:

August 18, 2004:

Mr. Higgins suggested a sentence change $\frac{3}{4}$ down on page 3 should read: “Mr. Higgins asked if *the lessees of docks/boat slips needed* abutter notification. Mr. Lessard **MOTIONED** to accept the minutes as amended. Mr. Emerick **SECONDED**. **VOTE: 6 = YES / 1 = ABSTAIN** (Mr. Gillick). **MOTION PASSES IN THE AFFIRMATIVE.**

September 1, 2004:

Mr. Workman **MOTIONED** to accept the minutes as written. Mr. Sakurai **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano asked for Board consensus to send the Edward Keohane Impact Fee Waiver Request to Town Attorney Gearreald for his review. Board consensus agreed.

V. CORRESPONDENCE:

- 1) Mrs. Kimball noted the Office of Energy and Planning sent a notice for annual fall conference workshops to be held at Waterville Valley on October 20, 2004. Anyone wishing to attend should contact the Planning Office for further information.
- 2) Mrs. Kimball noted the New Hampshire Department of Environmental Services sent a memo dated August 25, 2004. The memo refers to Town Manager, James Barrington has submitted an application for Site Specific Permit to disturb approximately 690,000 square feet for sewer, drainage and road surface improvements (related to the Hampton Beach Infrastructure Improvements Plan).
- 3) Mrs. Kimball noted the Board has received copies of a complaint letter that was addressed to Building Inspector, Kevin Schultz regarding parking issues at 387 Lafayette Road.
- 4) Mrs. Kimball noted it is time for the Board to schedule for their volunteer schedule to attend the Conservation Commission monthly meeting and site walk. The Board agreed to the following schedule:

November	2004 = Tracy Emerick
December	2004 = Tom Higgins
January	2005 = Fran McMahon
February	2005 = Bob Viviano
- 5) Mr. Viviano noted a letter of praise was sent to the Board from Rose Marie Buckley, and Mrs. Kimball stated all members have been given a copy.

- 6) Mr. Higgins stated in conjunction with the Hampton Beach Infrastructure Program the driveway width and entrances from Ashworth Avenue through the lettered streets plans (from Faye, Spofford, & Thorndike) will be available for review on October 8, 2004.
- 7) Mr. Sakurai suggested the Board consider a start to amendment to the Zoning Laws. Mrs. Kimball agreed the Board is charged with this order and should consider setting up a subcommittee immediately. Board consensus agreed.
- 8) Mrs. Kimball noted a memo dated August 24, 2004 from the Hampton Beach Commission stating they voted in favor of reviewing proposed projects and development upon request from development proponents.

Mr. Emerick **MOTIONED** to adjourn. Mr. Higgins **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:15 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended October 20, 2004